

### **REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. By this Amendment, claims 1, 5, 11-14, 18, and 24 are amended, and claims 3, 10, 22-23, and 25 are canceled. Accordingly, claims 1, 2, 4-6, 11-21, and 24 are pending in this application. Entry of the Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Applicants gratefully acknowledge the indication that claims 24 and 25 contain allowable subject matter which would be allowable if rewritten to overcome the rejection under 35 U.S.C. §101. Claim 24 is amended to recite statutory matter under 35 U.S.C. §101, and claim 25 is herewith canceled. Accordingly, claim 24 is allowable. Furthermore, the method of claim 1 is amended to be performed by a resource allocation processor, i.e., a particular machine, and therefore falls within a statutory category of invention. Withdrawal of the rejections under 35 U.S.C. §101 is respectfully requested.

Applicants further acknowledge the indication that claims 6-21 contain allowable subject matter, (*see* Office Action of May 18, 2008, paragraph 3). Claim 1 is amended to include the allowable subject matter of claim 10, including the subject matter of claims 3 and 5 that provide antecedent basis for the allowable subject matter of claim 10. In addition, the dependency of claims 4, 5, 11-14 and 18 is corrected in view of the cancelation of claim 3 and 10. Accordingly, based upon the foregoing amendments, independent claim 1 and claims 2, 4-6, and 11-21 that depend variously therefrom, are allowable and withdrawal of the rejections thereof is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1, 2, 4-6, 11-21, and 24 are earnestly solicited.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); and (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution. The amendments are necessary and were not earlier

presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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